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State of Nevada, ex rel. Department of Transportation*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EDWARD E. SEELY,
Plaintiff,

vs.

NEVADA STATE PUBLIC WORKS DIVISION,
INDIVIDUALS BRENTON MARSHALL AND
JOHN/JANE DOES (1-20); NDOT
INDIVIDUALS MARIO GOMEZ P.E.,
JOHN/JANE DOES (1-20),
Defendants.

Case No.: 2:20-cv-02109-CDS-VCF

**STIPULATION AND ORDER TO EXTEND
TIME TO RESPOND TO MOTION TO
DISMISS [ECF. 42] and MOTION TO
DISMISS OR, IN THE ALTERNATIVE,
MOTION TO QUASH [ECF. 44]
[SECOND REQUEST]**

Pursuant to Local Rule IA 6-1, Defendant, Benton Marshall of the Nevada State Public Works Division, (erroneously sued as Brenton Marshall) by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Susan K. Stewart, Deputy Attorney General/Construction Law Counsel, and Defendant, Mario Gomez, through counsel, P.E. Steven M. Goldstein, Senior Deputy Attorney General, Attorney for Defendant, Mario Gomez of the State of Nevada ex rel. Department of Transportation sued solely in his individual capacity, and Plaintiff Edward E. Seely, in proper person, respectfully submits the following Stipulation and Order to Extend Time to Respond to Motion to

Dismiss [ECF. 42], and Motion to Dismiss, or in the Alternative, Motion to Quash [ECF. 44]. This Stipulation for such an extension is entered by the parties in good faith and not for the purpose of delay.

A. Reasons why the Deadlines Were not Satisfied

Defendant, Benton Marshall (erroneously sued as Brenton Marshall), filed a Motion to Dismiss [ECF. 42] (hereinafter “Motion [ECF. 42]”) on July 7, 2022; Mario Gomez, filed a Motion to Dismiss, or in the Alternative, Motion to Quash [ECF. 44] (hereinafter “Motion [ECF. 44]”) on July 7, 2022.

Plaintiff contacted counsel requesting an extension, necessitated by a conflict in his medical treatment. Unfortunately, for various reasons, Plaintiff’s messages were not received. After receipt of [ECF. 50], Plaintiff’s Motion for Extension of Time of 30 days to Respond to Plaintiff’s Motion [ECF. 42] and Motion [ECF. 44], counsel immediately contacted Plaintiff. After communications with Plaintiff and the filing of Plaintiff’s Motion for Extension of Time of 30 Days to Respond to Defendants Motion [ECF. 42] and Motion [ECF. 44],

On August 4, 2022, counsel submitted its First Stipulation for Extension of Time [ECF 51], to respond to re Motion [42] and Motion [ECF. 44].

On August 8, 2022, ORDER [ECF 53] was issued Denying as Moot [ECF 50] Motion for extension of time and an ORDER Granting [ECF 51] Stipulation for Extension of time that the new deadline for Plaintiff’s Opposition to Motion’s [ECF.[42]] and [ECF. [44]] is currently due September 2, 2022. The new deadline for Defendant’s Reply in Support of Motion [ECF. [42]] and [ECF. [44]] is currently due September 9, 2022.

On August 22, 2022, Plaintiff contacted counsel asking for another 45-day extension due to a death in the family. The parties have agreed and stipulated to this Second Request for an extension of deadlines to file the oppositions and replies.

B. Proposed Schedule

The parties propose that the current deadlines be extended as follows:

1. Plaintiff’s Opposition Briefs - The current deadline for Plaintiff’s Opposition to Motion [ECF. 42] and for Plaintiff’s Opposition Motion [ECF. 44] is September 2, 2022. All parties have agreed to the requested extension and the new deadline for Plaintiff’s Opposition to both Motion’s [ECF. 42] and [ECF. 44] is **October 17, 2022**.

2. Defendants' Reply Briefs - The current deadline for Defendant's Reply in Support of Motion [ECF. 42] and Defendants Reply in Support of Motion [ECF. 44] is September 9, 2022, All parties have agreed to the requested extension with the requested extension and the new deadline for both Defendant's Reply in Support of Motion [ECF. 42] and [ECF. 44] is **October 24, 2022**.

For the foregoing reasons, the Defendants, Benton Marshall of the Public Works Division, Mario Gomez, and Plaintiff, Edward Seely, hereby stipulate to the above extensions.

DATED this 24th day of August 2022.

AARON D. FORD
Attorney General

AARON D. FORD
Attorney General

/s/ Susan K. Stewart
Susan K. Stewart (Bar No. 9914)
Deputy Attorney General
*Attorneys for Defendants,
Public Works Division and
Defendant Benton Marshall,
erroneously sued as Brenton Marshall*

/s/ Steven M. Goldstein
Steven M. Goldstein (Bar No. 6318)
Senior Deputy Attorney General
*Attorneys for State of Nevada, ex rel.
Department of Transportation and
Defendant, Mario Gomez*

*Seely v. Nevada State Public Works et al.
2:20-cv-02109-CDS-VCF*

DATED this 24th day of August 2022

/s/ Edward E. Seely
Edward E. Seely
453 N. 11th Street, Spt. B
Las Vegas, NV 89101
Plaintiff, In Proper Person

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ORDER

Based on the foregoing stipulation of the parties, the deadlines outlined above shall be extended as follows:

1. The current deadline for Plaintiff's Opposition to Motion to Dismiss [ECF. 42] and Plaintiff's Opposition to Motion to Dismiss or, in the Alternative, Motion to Quash [ECF. 44] is September 2, 2022. All parties have agreed to the requested extension and the new deadline for Plaintiff's Opposition to Motion's [ECF. 42] and [ECF. 44] is October 17, 2022.

2. The current deadline for Defendant's Reply in Support of Motion [ECF. 42] and Defendants Reply to Opposition to Motion to Dismiss or, in the Alternative, Motion to Quash [ECF. 44] is September 9, 2022. All parties have agreed to the requested extension and the new deadline for Defendant's Reply in Support of Motion [ECF. 42] and [ECF. 44] is October 24, 2022.

IT IS SO ORDERED.

DATED: August 29, 2022.



UNITED STATES DISTRICT JUDGE